Lieff Cabraser Heimann & Bernstein
Attorneys at Law

Lieff Cabraser Heimann & Bernstein, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
t 212.355.9500
f 212.355.9592

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Rachel Geman
Partner
rgeman@lchb.com

VIA ECF

The Honorable Harold Baer, Jr.
United States Courthouse
500 Pearl Street, Chamber 2230
New York, NY 10007-1312

RE: *Adkins v. Morgan Stanley*
No. 1:12-cv-7667

Dear Judge Baer:

We represent Plaintiffs and the proposed class of African American homeowners in the above-referenced Fair Housing Act ("FHA") matter. We write in brief response to Morgan Stanley's October 18, 2013 letter.

The unsurprising fact that the *Mount Holly* amici have made general policy arguments relating to their preferred interpretation of the FHA as a whole does not broaden the specific issue before the Supreme Court of whether Section 3604, which is *not* at issue in this case, permits disparate impact claims.

This Court, consistent with the persuasive recent ruling in *DeKalb County et al. v. HSBC North Amer. Holdings, Inc.*, should revisit the impact (if any) of *Mount Holly* only when (and if) that case is decided. *See* Ex. A (*DeKalb County et al. v. HSBC North Amer. Holdings, Inc.*, No. 1:12-CV-03640-SCJ, Dkt. No. 23 (N.D. Ga. Sept. 25, 2013))(denying motion to dismiss FHA disparate impact claim brought in 2012 involving events occurring in the mid-2000s on timeliness and other grounds).

Specifically, the *DeKalb* court provisionally rejected the defendants' argument that disparate impact claims were not cognizable under the FHA, noting that it would "reconsider the matter *after* the Supreme Court issues its ruling in *Mount Holly*." Ex. A at *42-43 (emphasis added).

We appreciate the Court's consideration.

Very truly yours,

Rachel Geman

RG/WP
cc: David W. Ogden
Noah Levine